

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

TAMMY COVINGTON and)	
JEFFREY COVINGTON,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 19-cv-00718-PRW
)	
CSAA FIRE AND CASUALTY)	
INSURANCE, d/b/a AAA FIRE AND)	
CASUALTY INSURANCE COMPANY, INC.)	
)	
Defendant.)	

**DEFENDANT’S OBJECTION TO PLAINTIFFS’ SUPPLEMENT TO
PLAINTIFFS’ RESPONSE AND OBJECTION TO DEFENDANT’S
MOTION FOR SUMMARY JUDGMENT**

Defendant CSAA Fire and Casualty Insurance Company (“CSAA”) for its Response to Plaintiffs’ Supplement to Plaintiffs’ Response and Objection to Defendant’s Motion for Summary Judgment (Doc. 32) (“Supplement”), respectfully moves the Court to strike or, in the alternative, disregard the Supplement that was filed without seeking leave of Court and without an order from the Court granting the same as required by LCvR7.1(i). This is not the first time Plaintiffs have filed without first seeking, and being granted, leave of the Court. *See e.g.*, Plaintiffs’ Final Witness List (Doc. 19) and Plaintiffs’ Final Exhibit List (Doc. 20), both filed out of time without prior authorization of the Court.

In bypassing a properly filed motion seeking leave, Plaintiffs also failed to consult with Defendant’s counsel as required by LCVr7.1(k). Moreover, Plaintiffs would have been required to provide a viable basis for their request, something they cannot do.

Plaintiffs' Supplement, at best, is, a surreply, attempting to correct errors in their Response and containing additional argumentation rather than supplementation.

In sum, the Supplement should be stricken or, alternatively, disregarded by the Court as filed untimely and without authorization.

Respectfully submitted,

s/ Joshua K. Hefner

Gerard F. Pignato, OBA No. 11473

Matthew C. Kane, OBA No. 19502

Joshua K. Hefner, OBA No. 30870

RYAN WHALEY COLDIRON JANTZEN

PETERS & WEBBER PLLC

400 North Walnut Avenue

Oklahoma City, Oklahoma 73104

Telephone: 405-239-6040

Facsimile: 405-239-6766

Email: jerry@ryanwhaley.com

mkane@ryanwhaley.com

jhefner@ryanwhaley.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on April 3, 2020, I electronically transmitted the attached document to:

Douglas J. Shelton – dshelton@sheltonlawok.com

Erica R. Mackey – emackey@sheltonlawok.com

s/ Joshua K. Hefner

JOSHUA K. HEFNER